

REMARKS/ARGUMENTS

Claims 1-20 in the case are pending. Claims 1 and 8 have been rejected under 35 U.S.C. §102(b) as being anticipated by Faller. Claims 2-5, 9-12 and 15-18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Faller in view of Rider, Jr., et al. and Easley. Claims 6,7, 13, 14, 19 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Faller in view of Rider and Easley as applied in claims 5, 12 and 18 above, and futher in view of Aderson and Williams et al.

In view of the above, base Claims 1, 10, and 17 are amended herein to recite a carry-out food container comprising a flexible sheet attached adjacent joined side edges of the food compartment tray and lid, *and the flexible sheet being unattached to food compartment tray along a remaining three of the tray side edges*. This feature of the invention is illustrated in the drawings (e.g., Figures 1, 2, 6, 7, and 8).

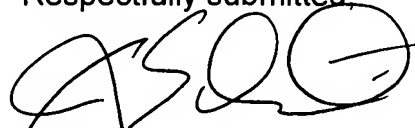
With regard to the art cited, Faller describes a food container with multiple foldable compartments designed for separately storing food items. The separated food items are protected in their respective compartments (or trays) by film coverings. The container is designed for folding along a hinged fold line such that first and second trays can reside face-to-face with the film coverings protecting and separating the different food items. Additionally, the film covering may be perforated at the hinge to facilitate later separation of the food trays, such that food items in one food tray may be heated and consumed, while the food items in the other tray are stored. See col. 4, Ins. 9-20.

In the present claimed food container, the flexible sheet is attached at only one of the raised side edges of the food compartment tray (as opposed to all edges). This allows a restaurant worker to more quickly and completely cover the food items after placement in the food compartment tray. As a result, customers should receive their to-go orders faster, and with an improved appearance and arrangement of food items.

In Faller, the film covering of the container is attached along *all side edges* of each hinged food tray. This allows the food trays to be folded together without spillage of items from the inverted tray. If the coverings of Faller were *unattached* at one or more of these side edges, this would presumably destroy certain objects of the prior art invention—namely, the ability to fold the container while keeping the food items secure and separate, and the desire to provide separately contained food items in multiple divided and protected compartments. As such, in the art cited there is no incentive or motivation to modify Faller in the manner presently claimed—i.e., wherein the film covering is attached at one side edge of the food compartment and *unattached* at the remaining side edges.

For all these reasons discussed above, Applicant submits that all of the claims in the case are now in condition for allowance. Such action is therefore respectfully requested at an early date. If the Examiner believes that issues remain for discussion, he is invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'JSQ', with a large circular flourish at the end.

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